

IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Sadek and Cooper Law Office
1315 Walnut Street, Suite 502
Philadelphia, PA 19107
215-545-0008

In Re:

James Edward Theisen

Case No.: **19-30999**

Chapter: **13**

Hearing Date: **June 16, 2020 @ 10AM**

Judge: **ABA**

OBJECTION TO PROOF OF CLAIM NUMBERED 6-1

COMES NOW, James Edward Theisen, hereinafter referred to as “Debtor,” by and through his undersigned counsel, Brad J. Sadek, Esquire, and hereby objects to Proof of Claim number 6-1 filed on behalf of Ovation Sales Trust Finance Service Finance Co., LLC (hereinafter referred to as “Ovation”) and in support thereof avers the following:

1. Debtor filed the instant Chapter 13 Bankruptcy case on or about November 6, 2019.
2. The November 6, 2019 case filing was assigned case number 19-30999.
3. On or about January 9, 2020, Ovation filed Proof of Claim numbered 6-1 as a secured claim in the amount of \$ 15,587.49. A true and correct copy of Claim number 6-1 is attached hereto and labeled as **Exhibit “A.”**
4. Debtor objects to this Proof of Claim as he was a victim of Identity Theft and did not authorize the purchase.

5. In support of thereof, Debtor filed three separate disputes with Experian, attached hereto as **Exhibit “B”**, dated prior to the filing of the bankruptcy on: February 6, 2019, June 21, 2019, and July 15, 2019.
6. Additionally, the Debtor has filed an Identity Theft Report with the Federal Trade Commission, (attached hereto as **Exhibit “C”**) and submitted a Dispute Letter to the Debtor (attached hereto as **Exhibit “D”**).

WHEREFORE, Debtor, James E. Theisen, respectfully requests that this Honorable Court strike the proof of claim numbered 6-1 filed by Ovation Sales Trust Finance Co., LLC on January 9, 2020 as an improper claim.

Dated: May 14, 2020

/s/Brad J. Sadek, Esq
Brad J. Sadek, Esq.
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Attorney for Debtor
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Chapter: **13**

Hearing Date: **June 2, 2020 @ 10am**

Judge: **ABA**

ORDER GRANTING that the Objection to the Proof of Claim 6-1 is Approved.

The relief set forth on the following page, number two (2), is hereby **ORDERED**.

AND NOW, upon Objection of Proof of Claim by Ovation Sales Trust Finance Service Finance Co., LLC in personal property and/or real property of the Debtor located at 903 Northwood Avenue Cherry Hill, NJ 08002,

AND, the Debtor having asserted that the alleged proof of claim arises from the theft of the Debtor's identity and/or unauthorized signature,

And, the Debtor having certified that adequate notice of the Motion was sent to the Respondent and that no answer or other response to the Motion has been filed,

It is hereby **ORDERED** that the Motion is **GRANTED** by default.